



## SPECIAL MEETING OF COUNCIL

### MINUTES

7 NOVEMBER 2024

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on 21/11/24

Presiding Member: *[Signature]* Date: 21 November 2024

#### Disclaimer

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) establish procedures for revocation or revision of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Brookton expressly disclaims liability for any loss or damage suffered by any person as a result or relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council Meeting.

# *Living Values*

## **Collaborate**

We will be supportive, applaud courage, celebrate success for us and the community. We will adapt to new circumstances, apply curiosity and share new things.

I will

- listen hard, speak less, and ask questions for understanding and clarity.
- share ideas, remind my colleagues of our work goals and demonstrate my leadership behaviours. acknowledge when things are going well and when we are facing difficulties.
- seek ways of working together and recognise when we succeed in our work.
- Compliment others when they are courageous and speak up.

We will grow our knowledge and experience and have pride in ourselves, our efforts and community.

I will

- seek and accept new ways of doing things.
- research and share newfound skills and knowledge.
- ask for assistance and input when I'm not sure.

## **Learn**

## **Integrity**

We will demonstrate honest and open behaviour at all times. Our communications will be respectful, with empathy and be fully accountable for our own actions.

I will

- communicate honestly with colleagues and respect their views.
- actively contribute to a culture of trust and openness in the Shire.
- be brave and speak up when things are not right.
- offer my colleagues support regardless of their background, role or experience.

We will meet the many challenges, identify and apply solutions and lean on our colleagues.

I will

- be sure to include and engage with my workmates in a positive and constructive manner.
- look after myself, be mindful of my self-esteem and that of others.
- maintain a 'can-do' approach and seek support from others. be aware that my behaviour may impact on others and reduce their confidence.
- know my strengths and aware of my weaknesses.

## **Resilient**

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## **1.11.24 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

On behalf of Council, I would like to acknowledge that this meeting is being held on the traditional lands of the Nyoongar People and pay respect to all Elders, past, present, and emerging. I wish to acknowledge and respect local people's continuing culture and the contribution they make to Country and its life.

As the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting. By being present at this meeting, members of the public consent to the possibility that their voice will be recorded. Recordings are also made available on the Shire's website following the meeting.

## **2.11.24 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

### Elected Members (Voting)

|                 |                  |
|-----------------|------------------|
| Cr KL Crute     | President        |
| Cr T D de Lange | Deputy President |
| Cr HA Bell      |                  |
| Cr B Copping    |                  |
| Cr C Hayden     |                  |
| Cr L McCabe     |                  |

### Staff (Non-Voting)

|                |                                     |
|----------------|-------------------------------------|
| Gary Sherry    | Chief Executive Officer             |
| Deanne Sweeney | Manager Corporate and Community     |
| Kevin D'Alton  | Acting Manager Infrastructure Works |
| Sandie Spencer | Executive Governance Officer        |

### Apologies

Cr R Wallis

### Leave of Absence

### Members of the Public

|                          |                  |
|--------------------------|------------------|
| Wendy Gault              | Peta Harben      |
| Gary Crouch              | Guy Teede        |
| Jeanette Couper          | Wendy Rose       |
| Kathryn Bassett          | Kelly Partington |
| Karen Mills              | Lyn Partington   |
| Josephine Walters        | Terry Thorpe     |
| David Chauser            | Eric Pech        |
| Jackie & David Allington | Lyn Pech         |
| Rosalie Pech Eva         | Tina Bruce       |
| Denise Walters           | Andy Bruce       |
| Sharon Williams          | Eleesha Coote    |
| Naomi Eyre               | Natalie Atkins   |
| Megan Nelson             | Leon Pech        |

**3.11.24 USE OF COMMON SEAL – OCTOBER**

The Table below details the Use of Common Seal under delegated authority for the month of October 2024.

| <b>Use of Common Seal Register</b> |                |                     |
|------------------------------------|----------------|---------------------|
| <b>File Ref:</b>                   | <b>Purpose</b> | <b>Date Granted</b> |
| Nil.                               |                |                     |

**4.11.24 DELEGATED AUTHORITY – ACTIONS PERFORMED**

The Table below details the actions of Council performed under delegated authority.

Shire of Brookton, Delegation Register, 1.41 Building Matters – Permits, Certificates & Orders

Shire of Brookton, Delegation Register, 1.37 Specific Provisions under the Town Planning Scheme No. 4.

**5.11.24 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**6.11.24 PUBLIC QUESTION TIME**

Nil.

**7.11.24 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**8.11.24 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**9.11.24 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of previous meetings will be confirmed at the next Ordinary Meeting of Council.

**10.11.24 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**11.11.24 DISCLOSURE OF INTERESTS**

*Members and Officers to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and prior to the item.*

| Item no.    | Members   | Type of Interest | Nature of Interest                                  |
|-------------|-----------|------------------|---|
| 18.11.24.01 | Cr McCabe | Impartiality     | I lease land adjoining the property in 18.11.24.01. |

**12.11.24 TECHNICAL & DEVELOPMENT SERVICES REPORTS****12.11.24.01 BROOKTON RAILWAY STATION – FUTURE ACTION**

|                                 |   |
|---------------------------------|---|
| <b>File No:</b>                 | PRO016  |
| <b>Date of Meeting:</b>         | 7 <sup>th</sup> November 2024   |
| <b>Location/Address:</b>        | Robinson Road, Brookton   |
| <b>Name of Applicant:</b>       | Shire of Brookton   |
| <b>Name of Owner:</b>           | Shire of Brookton   |
| <b>Author/s:</b>                | Gary Sherry – Chief Executive Officer                                   |
| <b>Authorising Officer:</b>     | Gary Sherry – Chief Executive Officer                                   |
| <b>Declaration of Interest:</b> | The author and authorising officer do not have an interest in this item |
| <b>Voting Requirements:</b>     | Simple Majority   |
| <b>Previous Report:</b>         | 17 <sup>th</sup> October 2024<br>19 <sup>th</sup> September 2024        |

**Summary of Report:**

Council is to consider revoking the previous decision of Council to demolish the Brookton Railway Station,

**Description of Proposal:**

The Brookton Railway Station is a site of rich heritage in the Brookton community. For nearly 100 years the station has held its central place in the Brookton streetscape and been a constant for generations of Brookton residents. Understandably many Brookton residents wish to retain the Station and preserve this heritage.

The Shire of Brookton, given their lease over the Railway Station since 1987, have acknowledged that the ongoing building maintenance that should have occurred at the Brookton Railway Station did not. This is not a single failing that be allocated to individuals, but the Shire of Brookton accepts the collective responsibility.

The Brookton Railway Station is now in a very poor condition. The Brookton Railway Station has been fenced off for public safety since 2019. The works required to refurbish the Station to a standard to last another 100 years is significant.

The decision of Council at their October Meeting:

OCM 10.24-04

COUNCIL RESOLUTION

MOVED Cr de Lange SECONDED Cr Bell

That Council commence a redevelopment of the Brookton Railway Station site in a stage manner including:

1. Stage 1 demolition of existing Brookton Railway Station building;
2. Stage 2 make good the Brookton Railway Station platform to allow public access to the platform. This action is likely to require fencing the platform nearest the active railway line;
3. Stage 3 Commence a public consultation process to redesign the public space in Robinson Road; and
4. Stage 4 complete construction in the public space in Robinson Road.

CARRIED BY SIMPLE MAJORITY VOTE 5/2

For: Cr Crute, Cr de Lange, Cr Hayden, Cr McCabe, Cr Wallis

Against: Cr Bell, Cr Copping

was the result of Council not being able to commit to a refurbishment tender where the cost of the refurbishment as not providing value for required investment.

### Community Debate

While understanding that while many in the community strong wish to have the refurbishment of the Railway Station achieved as a priority to retain the heritage of Brookton's proud past. These community members passionately believe that the Brookton Railway Station refurbishment is a project suitable to use a portion of the Shire's reserve funds.

There are also others in the Brookton community that believe there are alternative projects in Brookton that are of a higher priority. Brookton requires increased housing, new commercial and industrial sites and community infrastructure to provide the homes, jobs and lifestyle for Brookton's future.

Both these views are valid and the Shire understands the emotional attachment to each view. Currently the debate over this area of Brookton's future is dominated by a few and is not conducive to the sharing of contrary views. The Brookton community is currently divided and needs to come together to consider and attempt to resolve these competing priorities.

To assist in providing a safe space to review future options, it may be in Council's interest to rescind current position of Council to move to the demolition of the Brookton Railway Station to allow for future

An activity in the new year to review the town centre of Brookton, the current and future uses and consider the place of the Brookton Railway Station in that future, may assist in establishing a shared view of Brookton's future.

### Clarity of Costing Information

The Report to Council on 19<sup>th</sup> September 2024 to consider RFT 07-2023 Brookton Railways Station Refurbishment has contained contrary and confusing information.

The advice provided by some staff in relation to the two stages of the Tender was in keeping with Council's previous resolution in 2023 that the refurbishment work include:

- a. Stage 1 - Stabilise the building, replace the roof tiles and effect repairs to the exterior of the building, including the platform area; and
- b. Stage 2 - Refurbish and platform fencing to limit access to the rail corridor from the platform.

The actual tender specification included a requirement to complete two stages. The two stages included in the tender specification were to:

- a. Stage 1 - Complete external works including stabilising the building and platform, replacing roof tiles, paving the platform area and installation of fence on the platform; and
- b. Stage 2 - Complete an internal fit out of the building, installation of two ramps in the platform area;

No other external landscaping of any kind was included.



Therefore the tendered costs of \$1,980,155.97 to \$1,432,560.00 (GST Exclusive) represented the total cost of both external and internal works.

The tendered costs do not include any allowance for costs involved in working near an active rail line. These costs remain unknown and will only be able to be calculated after the appointment of a contractor and the finalisation of agreements between the contractor and Arc Infrastructure to establish track access.

Under the requirements of clause 11(2)(c) of the Local Government (Functions and General) Regulations 1996, if Council wished to complete the scope of works, Council is able to negotiate with a suitable provider to complete the works.

### Potential Additional Funding

Cr Crute, in her role as Shire President, has been undertaking discussions with funding bodies regarding the possibility of obtaining additional funding to complete the refurbishment of the Brookton Railway Station. Public statements have been made in various media outlets about the potential to help retain this important community asset.

At the time of agenda preparation all these discussions were preliminary in nature and no detailed proposals have been received by Council. At the point that such a concrete proposal is received, Council should review all such offers.

### **Background:**

Shire of Brookton has been addressing the poor condition of the Brookton Railway Station for the since 2019.

In 2021 the Council engaged the services of an architect consultant to develop concept design options for the Brookton Railway Station. Following community consultation and submissions on the four options provided, in January 2022 Council endorsed option 1B, the refurbishment of the existing station building.

Council approved a staged approach to the refurbishment of the Brookton Railway Station which included the following:

- Stage 1- Stabilise the building, replace the roof tiles and effect repairs to the exterior of the building;
- Stage 2- Refurbish the platform area and platform fencing to limit access to the rail corridor from the platform;
- Stage 3- Access ramp to the platform area to comply with Australian Standards; and
- Stage 4- Interior of building and landscaping.

At their July 2023 Council in part decided to approve:

1. accepts the risks associated with the presence of asbestos at the Brookton Railway Station in completing the transfer of Management of the Brookton Railway Station from the Public Transport Authority to the Shire of Brookton;
2. approves the replacement of the Brookton Railway Station ceramic roof tiles with similar modern ceramic roof tiles; and
3. approves:
  - a. Stage 1 - Stabilise the building, replace the roof tiles and effect repairs to the exterior of the building; and

- b. Stage 2 - Refurbish the platform area and platform fencing to limit access to the rail corridor from the platform;  
of the Brookton Railway Station Refurbishment to be completed concurrently to minimise disruption to rail traffic and rail safety compliance costs.

In September 2024 Council considered tenders ranging from \$1.432Million to \$1.980Million. Council decided to not accept any tender. In making this decision Council did not resolve the Officer's Recommendation because Council did not believe that the proposed works were value for money for the community.

Subsequently at their October 2024 Council reviewed the Brookton Railway Station and resolved to commence a redevelopment of the Brookton Railway Station site in a staged manner including:

1. Stage 1 demolition of existing Brookton Railway Station building;
2. Stage 2 make good the Brookton Railway Station platform to allow public access to the platform. This action is likely to require fencing the platform nearest the active railway line;
3. Stage 3 Commence a public consultation process to redesign the public space in Robinson Road; and
4. Stage 4 complete construction in the public space in Robinson Road.

**Consultation:**

Council has completed significant amounts of public consultation with this project.

**Statutory Environment:**

Local Government (Functions and General) Regulations 1996

11. When tenders have to be publicly invited
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
  - (c) within the last 6 months —
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

Local Government (Administration) Regulations 1996

10. Revoking or changing decisions (Act s. 5.25(1)(e))
- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

**Relevant Plans and Policy:** Nil

**Financial Implications:**

Through the sale of Kalkarni in 2019, the Shire of Brookton has received a once in a generation financial windfall, that with prudent use support the growth and amenity of Brookton for the next 20 years. The Shire of Brookton retains over \$11 Million in financial reserves.

The tendered prices are within or near to the 2024/25 Budget allocation of \$1,838,150 for this construction project.

| Tenderer  | Tendered Price<br>GST Exclusive |
|---|---------------------------------|
| CLPM  | \$1,980,155.97                  |
| COLGAN  | \$1,888,898.49                  |
| Stallion Building Company                             | \$1,432,560.00                  |
| Pretender Quantity Surveyor Estimate – For comparison | \$1,827,000.00                  |
| Budget  | \$1,838,150.00                  |

**Risk Assessment:**

Using the Shire of Brookton’s Risk Framework the consequences of the current debate of the future of the Brookton Railway Station have Major impact, with substantial community concern and substantial media or political attention. The likelihood of these consequences is Almost Certain.

This rating would require measures to be implemented to reduce these risks before proceeding.

| Consequence<br>Likelihood | Insignificant | Minor  | Moderate | Major  | Extreme |
|---------------------------|---------------|--------|----------|--------|---------|
| Almost Certain            | Medium        | High   | High     | Severe | Severe  |
| Likely                    | Low           | Medium | High     | High   | Severe  |
| Possible                  | Low           | Medium | Medium   | High   | High    |
| Unlikely                  | Low           | Low    | Medium   | Medium | High    |
| Rare                      | Low           | Low    | Low      | Low    | Medium  |

| Risk Rating | Action  |
|-------------|---|
| LOW         | Monitor for continuous improvement.   |
| MEDIUM      | Comply with risk reduction measures to keep risk as low as reasonably practical.                      |
| HIGH        | Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable. |
| SEVERE      | Unacceptable. Risk reduction measures must be implemented before proceeding.                          |

**Community & Strategic Objectives:**

The restoration of the Railway Station is a high profile community project.

**Comment:** Nil

**OFFICER'S RECOMMENDATION 1**

That Council consider a motion to revoke Council decision OCM 10.24-04 made at the October 2024 Ordinary Meeting of Council to demolish the Brookton Railway Station.

(Special majority of least 1/3 of the number of offices (whether vacant or not) of members of the council vote required)

**OFFICER'S RECOMMENDATION 2**

That Council revoke Council decision OCM 10.24-04 made at the October 2024 Ordinary Meeting of Council to demolish the Brookton Railway Station.

(Absolute majority vote required)

**OFFICER'S RECOMMENDATION 3**

That Council:

1. commence a public consultation process to review the public space in Robinson Road. This public consultation process may include, but not necessarily be limited to, a public activity in early 2025 to consider:
  - a. the public spaces in Robinson Road, Brookton,
  - b. the current and future uses of these public spaces in Robinson Road, Brookton; and
  - c. consider the place of the Brookton Railway Station in those future uses; and
2. continue to discuss with potential funding partners the possibility of financial contributions to a refurbishment of the Brookton Railway Station.

(Simple majority vote required)

**SCM 11.24.01**

**COUNCIL RESOLUTION**

**MOVED Cr Bell      SECONDED Cr Copping**

***That Council consider a motion to revoke Council decision OCM 10.24-04 made at the October 2024 Ordinary Meeting of Council to demolish the Brookton Railway Station.***

**CARRIED BY SIMPLE MAJORITY VOTE 6/0**

***For: Cr Crute, Cr de Lange, Cr Bell, Cr Copping, Cr Hayden, Cr McCabe  
Against: Nil***

**SCM 11.24.02**

**COUNCIL RESOLUTION**

**MOVED Cr Copping SECONDED Cr Bell**

***That Council revoke Council decision OCM 10.24-04 made at the October 2024 Ordinary Meeting of Council to demolish the Brookton Railway Station.***

***CARRIED BY ABSOLUTE MAJORITY VOTE 6/0***

***For: Cr Crute, Cr de Lange, Cr Bell, Cr Copping, Cr Hayden, Cr McCabe  
Against: Nil***

**SCM 11.24.03**

**COUNCIL RESOLUTION**

**MOVED Cr de Lange SECONDED Cr Hayden**

***That Council:***

- 1. commence a public consultation process to review the public space in Robinson Road. This public consultation process may include, but not necessarily be limited to, a public activity in early 2025 to consider:***
  - a. the public spaces in Robinson Road, Brookton,***
  - b. the current and future uses of these public spaces in Robinson Road, Brookton;  
and***
  - c. consider the place of the Brookton Railway Station in those future uses; and***
- 2. continue to discuss with potential funding partners the possibility of financial contributions to a refurbishment of the Brookton Railway Station.***

***CARRIED BY SIMPLE MAJORITY VOTE 6/0***

***For: Cr Crute, Cr de Lange, Cr Bell, Cr Copping, Cr Hayden, Cr McCabe  
Against: Nil***

**13.11.24 COMMUNITY SERVICES REPORTS**

Nil.

**14.11.24 CORPORATE SERVICES REPORTS**

Nil.

**15.11.24 GOVERNANCE REPORTS**

Nil.

**16.11.24 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**17.11.24 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil.

**18.11.24 CONFIDENTIAL REPORTS**

In accordance with section 5.23 (2), of the Local Government Act 1995 Council should go Behind Closed Doors to discuss confidential matters.

**OFFICER'S RECOMMENDATION**

That Council move Behind Closed Doors.

**SCM 11.24-04****COUNCIL RESOLUTION**

**MOVED Cr Hayden      SECONDED Cr de Lange**

***That, because the matters following contain confidential information, the Meeting be closed to the public at 5:05pm to consider item 18.11.24.01.***

**CARRIED BY ABSOLUTE MAJORITY VOTE 6/0**

***For: Cr Crute, Cr de Lange, Cr Bell, Cr Copping, Cr Hayden, Cr McCabe  
Against: Nil***

**18.11.24.01 INDUSTRIAL LAND DEVELOPMENT - REVIEW OF POTENTIAL SITES - OFFER OF PURCHASE**

**SCM 11.24-05**

**COUNCIL RESOLUTION**

**MOVED Cr Hayden      SECONDED Cr Bell**

**That Council:**

- 1. Authorise the Negotiation Strategy to offer to purchase property for the future development for Industrial Land included in Attachment 18.11.24.01A; and**
- 2. Recognise that the Negotiation Strategy included in Attachment 18.11.24.01A will result in an expenditure greater than Council's allocation in their 2024/2025 budget and authorises out of budget expenditure in line with that Negotiation Strategy; and**
- 3. Recognise that the Negotiation Strategy included in Attachment 18.11.24.01A requires a transfer from Council's Innovations and Development Reserve greater than Council's allocation in their 2024/2025 budget and authorises a transfer from Council's Innovations and Development Reserve in line with that Negotiation Strategy.**

**CARRIED BY SIMPLE MAJORITY VOTE 6/0**

**For: Cr Crute, Cr de Lange, Cr Bell, Cr Copping, Cr Hayden, Cr McCabe  
Against: Nil**

**SCM 11.24-06**

**COUNCIL RESOLUTION**

**MOVED Cr de Lange      SECONDED Cr Hayden**

**That the meeting be opened to the public at 5:13pm.**

**CARRIED BY ABSOLUTE MAJORITY VOTE 6/0**

**For: Cr Crute, Cr de Lange, Cr Bell, Cr Copping, Cr Hayden, Cr McCabe  
Against: Nil**

**19.11.24 NEXT MEETING & CLOSURE**

The next Ordinary meeting of the Council will be held on Thursday 21<sup>st</sup> November 2024 commencing at 6.00 pm.

There being no further business, President Cr Crute, declared the meeting closed at 5:14pm.